

STATE PUBLIC CHARTER SCHOOL COMMISSION

Actions from the July 10, 2014 General Business Meeting

Agenda item: III. Action on Election of Commission Chairperson and Vice Chairperson; Standing Committee Chairpersons and Vice Chairpersons; and Standing Committee Members

Action:

Moved to approve Catherine Payne as Chairperson and Peter Tomozawa as Vice Chairperson of the State Public Charter School Commission.

Motion passed unanimously.

Moved to approve Mitch D'Olier as Chairperson and Jill Baldemor as Vice Chairperson of the Applications Committee and appoint Roger Takabayashi and Peter Hanohano as standing Committee members.

Motion passed unanimously.

Moved to approve Peter Tomozawa as Chairperson and Roger Takabayashi as Vice Chairperson of the Administration & Operations Committee and appoint Kalehua Krug and Karen Street as standing Committee members.

Motion passed unanimously.

Moved to approve Catherine Payne as Chairperson and Peter Hanohano as Vice Chairperson of the Performance & Accountability Committee and appoint Jill Baldemor, Mitch D'Olier and Kalehua Krug as standing committee members.

Motion passed unanimously.

Agenda item: V. Action on Mālama Honua Public Charter School

Action:

Moved that the Commission:

1. Approve Malama Honua Public Charter School's ("Malama Honua") Exhibit A (Educational Program ("Exhibit A")), which is attached to this submittal dated July 10, 2014, for inclusion in the State Public Charter School Contract ("Charter Contract");
2. Authorize the issuance of a Charter Contract for Malama Honua Public Charter School ("Malama Honua"); subject to the submission of acceptable evidence that all material preopening assurances have been completed by July 16, 2014;
3. Delegate authority to the Executive Director to sign and execute the Charter Contract, on behalf of the Commission, upon submission of acceptable evidence that all material preopening assurances have been completed;
4. Require Malama Honua to submit information monthly regarding the status of the school's finances, grants, fundraising and reserve, until such time that the Commission deems such financial monitoring no longer necessary; and
5. Require Malama Honua to build up a minimum reserve of unrestricted funds of approximately 5-10% of its Year One expenses by the end of its first school year. These funds need to be in addition to any funds that are already earmarked for other expenses and any funds currently reflected in the school's budget.

Motion passed unanimously

Agenda item: VI. Action on Financial Insolvency of Hālau Lōkahi Charter School; Educational Program, Exhibit A, for Inclusion in the State Public Charter School Contract, effective July 1, 2014; and Appointment of Members of New Governing Board

Action:

Moved that the Commission:

Approve the Educational Program, Exhibit A, for Halau Lokahi Charter School and ratify the inclusion of Exhibit A in the Amended State Public Charter School Contract, effective July 1, 2014, which was executed by Halau Lokahi Charter School and the Commission on June 30, 2014.

Motion passed unanimously.

Consider the skill sets described in Section 302D-12(b), HRS, in its appointment of new governing board members for the governing board of Halau Lokahi.

Motion passed unanimously.

Adopt the dissolution contingency plan for Halau Lokahi attached to this submittal dated July 10, 2014, as Exhibit 2, to be implemented only in the event of a school-initiated closure or dissolution.

Motion passed unanimously

Appoint Joseph Evans, Kama Hopkins, Keone Nunes, Andre Perez, and Faye Uyeda, as the members of Halau Lokahi Charter School's new governing board.

Motion passed unanimously.

Require Halau Lokahi to refrain from taking any actions and addressing past actions that would or have obligated the school and the State of Hawaii, including, but not limited to refraining from making any offers or assurances of employment or statements about staffing the school. Permissible actions are only those which are authorized by the new governing board appointed by the Commission at its July 10, 2014 General Business Meeting. Staff is directed to notify the school of the aforementioned Commission action.

Motion passed unanimously.

Release Halau Lokahi's first per pupil allocation for the 2014-15 school year when the school's new governing board has completed its assessment of the school's financial viability and has provided an acceptable plan for completing the 2014-15 school year; has determined the school will open this school year; and has verified the number of students that will be attending the school, all to the satisfaction of the Commission. Notwithstanding the forgoing, if before the governing board can complete these requirements, Halau Lokahi's governing board needs funds, it may request the release of specific amounts of funds, provided that the governing board, provide specific amounts and a justification for the funds that are acceptable to the Commission.

Motion passed unanimously.

Agenda item: VII. Action on Federal Impact Aid Funds

Action:

Moved that the Commission:

Allocate the remaining available \$892,802 in federal Impact Aid funds according to Option 3 as described in the submittal with an amended allocation of 50% straight per pupil to all charter schools and 50% targeted to the 24 start-ups, brick-and-mortar charter schools; and

Motion passed unanimously

Action item: IX. Action on Appointing Masters, Pursuant to Section 92-16, Hawaii Revised Statutes, to Hold Hearings and Take Testimony on Administrative Rules

Action:

Moved to adopt the following resolution:

At the July 10, 2014 meeting of the State Public Charter School Commission ("Commission"), the following resolution was proposed and approved by the Board:

WHEREAS, in accordance with law, the proposed promulgation of the State Public Charter School Commission's ("Commission") of Chapter 8-501 and Chapter 8-505, Hawaii Administrative Rules ("Administrative Rules") requires holding public hearings;

WHEREAS, pursuant to Hawaii Revised Statutes, Section 92-16(a), the Commission has the power to appoint a master or masters to hold hearings and take testimony;

WHEREAS, the Commission intends to hold public hearings in Hawaii County, Maui County, Kauai County, and the City and County of Honolulu;

WHEREAS, the purpose of these public hearings is to take testimony on the Administrative Rules and not engage in decision-making;

WHEREAS, a single appointed master will have the power to hold and preside over these public hearings; and

WHEREAS, the Commission finds that appointing a master is a reasonable and efficient way to hold these public hearings;

NOW, THEREFORE, IT IS RESOLVED, that the individuals listed below are hereby each appointed as masters of public hearings on the Commission's proposed promulgation of its Administrative Rules, effective as of July 10, 2014 and continuing until December

31, 2014, unless extended by the Commission by a subsequent resolution:

1. Jill Baldemor;
2. Mitch D'Olier;
3. Peter Hanohano;
4. Kalehua Krug;
5. Catherine Payne;
6. Karen Street;
7. Roger Takabayashi; and
8. Peter Tomozawa;

AND IT IS FURTHER RESOLVED, that the aforementioned masters will abide by the terms and conditions and have the powers listed below:

- A single master shall be the presiding officer of each hearing;
- The master shall conduct each hearing in a way as to afford interested persons a reasonable opportunity to be heard on matters relevant to the proposed administrative rules and to obtain a clear and orderly record; provided that the master shall have the authority to administer a time limit on oral testimony that shall not be less than two minutes per person;
- The master, at his or her discretion, may allow Commissioners present at any hearing to ask clarifying questions of testifiers;
- The master shall have authority to continue each hearing without notice, other than an announcement at the previous hearing of the date, time, and location of the continuation of the hearing; provided that the master shall only continue a hearing in the event that time constraints do not afford all interested persons present at the hearing a reasonable opportunity to be heard.
- At the commencement of each hearing, the master shall read the notice of hearing and shall then outline briefly the procedure to be followed;
- The master shall have authority to take actions which are necessary to conduct an orderly hearing;

- At the conclusion of each hearing, the master shall announce the date when the Commission's decision shall be made on proposed administrative rules;
- The master shall report testimony given at all hearings verbatim, through transcripts or recordings, to the Commission, which shall approve said transcripts or recordings;
- The master shall not question testifiers (except when necessary to get clarification), express views, or commit to action on behalf of the Commission; and
- The master shall not have authority to represent the Commission or take any actions beyond the terms, conditions, and powers listed herein.

Motion passed unanimously.